

ASSEMBLY BILL

No. 409

Introduced by Assembly Member Wagner

February 19, 2015

An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals.

LEGISLATIVE COUNSEL'S DIGEST

AB 409, as introduced, Wagner. Appeals.

Existing law specifies the judgments and orders from which an appeal may be taken to the court of appeal.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 904.1 of the Code of Civil Procedure is
2 amended to read:
3 904.1. (a) An appeal, other than in a limited civil case, is to
4 the court of appeal. An appeal, other than in a limited civil case,
5 may be taken from any of the following:
6 (1) From a judgment, except (A) an interlocutory judgment,
7 other than as provided in paragraphs (8), (9), and (11), or (B) a
8 judgment of contempt that is made final and conclusive by Section
9 1222.
10 (2) From an order made after a judgment made appealable by
11 paragraph (1).

1 (3) From an order granting a motion to quash service of
2 summons or granting a motion to stay the action on the ground of
3 inconvenient forum, or from a written order of dismissal under
4 Section 581d following an order granting a motion to dismiss the
5 action on the ground of inconvenient forum.

6 (4) From an order granting a new trial or denying a motion for
7 judgment notwithstanding the verdict.

8 (5) From an order discharging or refusing to discharge an
9 attachment or granting a right to attach order.

10 (6) From an order granting or dissolving an injunction, or
11 refusing to grant or dissolve an injunction.

12 (7) From an order appointing a receiver.

13 (8) From an interlocutory judgment, order, or decree, hereafter
14 made or entered in an action to redeem real or personal property
15 from a mortgage thereof, or a lien thereon, determining the right
16 to redeem and directing an accounting.

17 (9) From an interlocutory judgment in an action for partition
18 determining the rights and interests of the respective parties and
19 directing partition to be made.

20 (10) From an order made appealable by ~~the provisions of the~~
21 Probate Code or the Family Code.

22 (11) From an interlocutory judgment directing payment of
23 monetary sanctions by a party or an attorney for a party if the
24 amount exceeds five thousand dollars (\$5,000).

25 (12) From an order directing payment of monetary sanctions
26 by a party or an attorney for a party if the amount exceeds five
27 thousand dollars (\$5,000).

28 (13) From an order granting or denying a special motion to
29 strike under Section 425.16.

30 (b) Sanction orders or judgments of five thousand dollars
31 (\$5,000) or less against a party or an attorney for a party may be
32 reviewed on an appeal by that party after entry of final judgment
33 in the main action, or, at the discretion of the court of appeal, may
34 be reviewed upon petition for an extraordinary writ.